

EXHIBIT 15

Declaration of
Plaintiff Andres
Mejia

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN)
 RICHMAN, JOHN DUBE and JOCEYLN MERRILL,)
 teachers in the New Hampshire Public Schools, and)
 KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN)
 DURDEN, parents or guardians of children in the New)
 Hampshire public schools.)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his Official Capacity as)
 Commissioner of the DEPARTMENT OF EDUCATION)
 (“DOE”), CHRISTIAN KIM in his Official Capacity as the)
 Chair of the NEW HAMPSHIRE COMMISSION ON)
 HUMAN RIGHTS, and JOHN FOMELLA in his Official)
 Capacity as ATTORNEY GENERAL of the State of New)
 Hampshire.)

Defendants.)

Civil No. 1:21-cv-01077-PB

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 ANDRES MEJIA,)
 CHRISTINA KIM PHILIBOTTE, and)
 NATIONAL EDUCATION ASSOCIATION-NEW)
 HAMPSHIRE,)

Plaintiffs,)

v.)

FRANK EDELBLUT, in his official capacity only as the)
 Commissioner of the New Hampshire Department of)
 Education,)
 JOHN M. FORMELLA, in his official capacity only as the)
 Attorney General of the State of New Hampshire,)
 AHNI MALACHI, in her official capacity only as the)
 Executive Director of the New Hampshire Commission for)
 Human Rights,)
 CHRISTIAN KIM, in his official capacity)
 only as the Chair of the New Hampshire Commission for)
 Human Rights,)
 KEN MERRIFIELD, in his official capacity only as the)
 Commissioner of the Department of Labor,)

Defendants.)

DECLARATION OF ANDRES MEJIA

I, Andres Mejia, pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I live in Strafford County, New Hampshire.

2. I am the Director of Diversity, Equity, Inclusion, and Justice for SAU16. SAU16 consists of several school districts, including the Exeter Region Cooperative School District and school districts in Exeter, Stratham, Newfields, Brentwood, East Kingston, and Kensington. SAU16 is headquartered in Exeter.

3. I started in this role on August 2, 2021, but only on behalf of the Exeter Region Cooperative School District. My role expanded to the entire SAU16 on July 1, 2022. My role expanded because board members representing SAU16's various communities recognized that my work was so important that it needed to be a resource in all of SAU16's schools.

4. I am the first person to hold this position. The Exeter Region Cooperative School District (and later the entire SAU16)—along with the Manchester School District—are the first school districts in New Hampshire to have full-time DEI (“diversity, equity, and inclusion”) administrators. Two additional DEI administrators have been hired by the Oyster River Cooperative School District and the Concord School District since the filing of this lawsuit in December 2021.

5. In my role, I work closely with various stakeholders and am responsible for prioritizing and operationalizing DEI initiatives, especially those dealing with curriculum, cultural competency, faculty and staff recruitment and retention, and professional learning.¹ I have dedicated my entire professional life to DEI work because I believe that it is critical to create an education community where every student—including students who are less privileged and who may be from historically marginalized communities—feels like they belong. Such instruction is vital for the provision of a quality education and thriving democracy for all Granite Staters, and particularly Granite Staters of color.

6. For example, as of the 2022-2023 academic year, SAU16 has 4,779 students, with at least 425 students of color. Approximately 153 students identify as Asian, approximately 53 identify as Black/African American, approximately 124 identify as Hispanic or Latino, approximately 28 identify as Native American/Alaska Native, approximately 10 identify as Native Hawaiian/Pacific Islander, and approximately 59 identify as belonging to two or more races.

¹ See “‘Deep Understanding’: Exeter Schools Hire New Director to Focus on Diversity and Equity,” *Portsmouth Herald* (Aug. 2, 2021), <https://www.seacoastonline.com/story/news/2021/08/02/exeter-nh-schools-hire-new-director-focus-diversity-and-equity/5455939001/>.

7. This DEI work not only helps White students in SAU16 learn about the growing diversity of their community, but also helps students of color in SAU16 know that they are not alone and that they are welcome.

8. This DEI instruction has increased the engagement, participation, and sense of belonging for students in SAU16. Students have told me that, since DEI concepts have become a focus of SAU16's work, they feel more welcome.

9. In particular, students of color have expressed to me their desire to gain greater exposure to the perspectives of communities of color and theories related to race and gender because such conversations make them feel more connected to the curricula and prepared to tackle the issues facing their communities. White students also have asked me to learn more about DEI, gender, LGBTQ+ issues, race, racism, and other perspectives about marginalized identities. These courageous conversations are essential for all students—especially those of color—as these conversations build community where students feel seen and validated in a secure space, and thus become more comfortable speaking and sharing their experiences on complex topics which, in turn, helps teach other students.

10. Prior to starting my position with the Exeter Region Cooperative School District on August 2, 2021—and after graduating from the University of New Hampshire—I worked for four years as a program manager with New Hampshire Listens, which is a civic engagement initiative of the Carsey School of Public Policy at the University of New Hampshire. New Hampshire Listens has a mission to build, strengthen, and sustain civic infrastructure to support a sustainable democracy by helping communities talk, listen, and act together so communities can work for everyone.

11. In my current role as Director of Diversity, Equity, Inclusion, and Justice for SAU16, I am directly impacted and harmed by the Amendments challenged in this case. As part of my duties, I conduct staff trainings within SAU16 on concepts like implicit bias, institutional bias, race, racism, belonging, and inclusiveness. Because of the Amendments' ambiguity, if I teach some or all of these topics, I may be violating the Amendments, and potentially will subject myself to a complaint or lawsuit—even if such trainings are voluntary.

12. I also routinely field inquiries from teachers in SAU16 as to whether certain books, video content, curriculum, materials, and information—as well as what a teacher would say—would be banned under the Amendments. Yet, given the Amendments' vagueness, I cannot answer basic questions as to what is covered under the Amendments.

13. As a result of this uncertainty, instructional choices have been chilled in order to avoid enforcement consequences. Professional development around implicit bias, race, and racism has either been put on hold or modified in ways that prevent or dilute a full discussion of these concepts.

14. For example, when I now discuss “implicit bias,” I avoid discussing how individuals may have this form of bias, and instead focus the discussion on how systems and institutions create bias. This modification removes individuals from the personal responsibility of recognizing their own bias and privilege. As a result, we are not doing these concepts justice and, instead, are allowing individuals to back away from taking responsibility for their own bias. I fear that if I discuss individual bias because of one’s race or privilege, then this may directly implicate the Amendments—particularly the second banned concept. When I am employed by private entities to talk about implicit bias, I am freer to talk in ways that more accurately reflect these concepts.

15. Perhaps even worse, the Amendments chill and cause teachers to second guess how to respond to incidents of racism and bullying against students of color and LGBTQ+ students for fear that, if they take appropriate action, they will be accused of violating the Amendments by “discriminating” against a person’s beliefs. During the 2022-2023 academic year in SAU16, bias incidents implicating racism increased to 25 from 15 in the prior academic year. SAU16 also has seen an increase in antisemitism bias incidents during the 2022-2023 academic year.

16. Because of the Amendments, educators feel like they cannot freely engage with their colleagues and students and, instead, have often retreated to guarded lessons and trainings that do not fully serve the needs of SAU16. For example:

- A group of teachers focused on diversity at the Cooperative Middle School in Stratham received a grant in approximately 2020 to purchase a series of books on diversity, equity, and inclusion to help teachers better understand the need for equity in schools. These books included *A Good Kind of Trouble* by Lisa Moore Ramée, *So You Want to Talk About Race* by Ijeoma Oluo, *The New Jim Crow* by Michelle Alexander, *The Black Friend: On Being a Better White Person* by Frederick Joseph, *Ghost Boys* by Jewell Parker Rhodes, *Raising White Kids: Bringing Up Children in a Racially Unjust America* by Jennifer Harvey, *Me and White Supremacy* by Layla Saad, and *The Hate U Give* by Angie Thomas. The group wanted to have these books used as resources and included in their classroom libraries, but those plans were put on hold in the Fall of 2021 out of a concern by these teachers that these books could be covered under the Amendments. These purchased books are in my office, and I have no ability to know whether these books are covered under the Amendments because the Amendments are unclear.

Portions of *A Good Kind of Trouble* by Lisa Moore Ramée are attached to this declaration.

- Similarly, the Cooperative Middle School in Stratham has temporarily set aside Tiffany Jewell's 2020 book entitled *This Book is Anti-Racist* and Beverly Daniel Tatum's 2017 book *Why are All the Black Kids Sitting Together in the Cafeteria (Revised and Updated edition)* which were to be used by a teacher group for professional development. Boxes of these books were bought by the 2020-2021 principal of that middle school, but were then set aside by SAU16 in the Fall of 2021 after the enactment of the Amendments. These books remain in my office, and I have no ability to know whether they are covered under the Amendments because the Amendments are unclear. Tiffany Jewell's book was especially set aside because some Exeter Region Cooperative School District community members cited this book in public meetings as evidence of why DEI work should not occur in schools.
- In addition, teachers have asked me to look at the wordings of lesson plans and slides implicating race and LGBTQ+ issues to see if they conflict with the Amendments. The Amendments are so vague that my advice to them often was to remove or modify certain words and slides implicating race and LGBTQ+ issues to avoid the prospect of punishment under the Amendments. Teachers have also removed LGBTQ+ flags and other inclusive stickers and paraphernalia in response to the fear caused by the Amendments.

17. I am bringing this lawsuit in my individual capacity, and not on behalf of SAU16 that employs me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of August, 2023

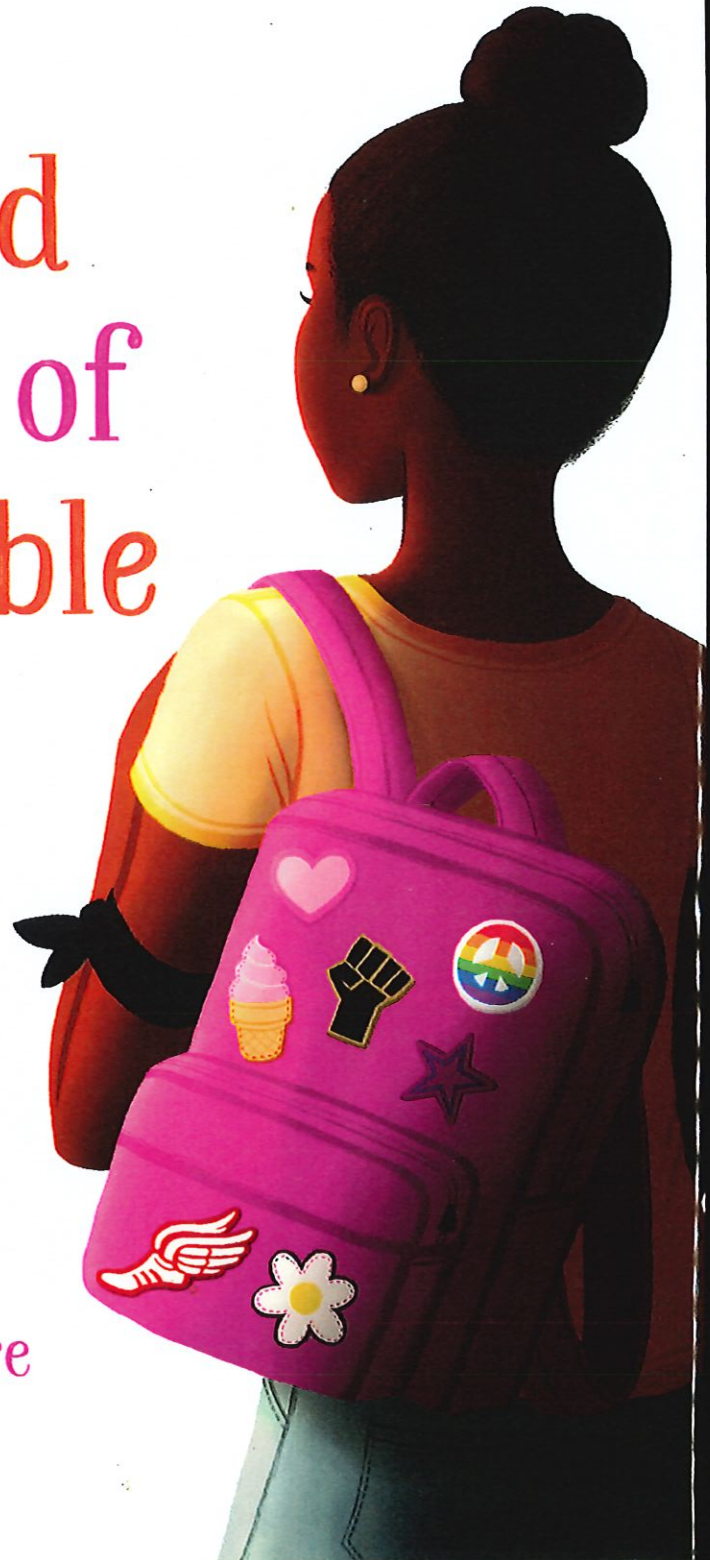
/s/ Andres Mejia
Andres Mejia

A Good Kind of Trouble

“Full of heart
and truth.”

—ANGIE THOMAS,
#1 *New York Times*
bestselling author of
The Hate U Give

Lisa Moore
Ramée



Advance praise for *A Good Kind of Trouble*



"Shay's voice is so genuine—
she practically walks off the page.
This is an important book, and an incredible debut."

—ERIN ENTRADA KELLY,

Newbery Medal-winning author of *Hello, Universe*



"Gripping from the opening line,
A Good Kind of Trouble is a tender, insightful, and
unique look at what it means to stand up for
what you believe in and be brave."

—JAY COLES,

author of *Tyler Johnson Was Here*



"Full of heart and truth, *A Good Kind of Trouble* has all of the
makings to be this generation's *Roll of Thunder, Hear My Cry*.
Much like Cassie Logan's, Shayla's experiences, pitfalls, and
triumphs will inspire young people for years to come.
It is a well-written page-turner with a voice that stays with
you long after you put the book down."

—ANGIE THOMAS,

#1 *New York Times* bestselling author of *The Hate U Give*

★ "A timely, funny, and unforgettable debut about friendship,
facing your fears, and standing up for what's right."

—KIRKUS REVIEWS (starred review)



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Ages 8–12

Twelve-year-old Shayla is allergic to trouble. All she wants to do is to follow the rules. (Oh, and she'd also like to make it through seventh grade with her best friendships intact, learn to run track, and have a cute boy see past her giant forehead.) But in junior high, it's like all the rules have changed. Now she's suddenly questioning who her best friends are, and some people at school are saying she's not black enough. Wait, *what?*

Shay's sister, Hana, is involved in Black Lives Matter, but Shay doesn't think that's for her. After experiencing a powerful protest, though, Shay decides some rules are worth breaking. She starts wearing an armband to school in support of the Black Lives movement. Soon everyone is taking sides. And she is given an ultimatum.

Shay is scared to do the wrong thing (and even more scared to do the right thing), but if she doesn't face her fears, she'll be forever tripping over the next hurdle. Now, that's trouble, for real.

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Jordan Ramée



Lisa Moore Ramée

was born and raised in Los Angeles and now lives in the Bay Area of California with her husband, two kids, and two obnoxious cats. This is her first novel.

You can visit her online at
www.lisamooreramee.com.

Also available as an ebook.

Jacket art © 2019 by Alleanna Harris
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A Good Kind of Trouble

Lisa Moore Ramée

Balzer + Bray

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A Good Kind of Trouble

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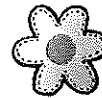
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First Edition



1

First Slide

I'm allergic to trouble. It makes my hands itch. But today in science, when Mr. Levy starts calling out lab-partner assignments, I don't get even the lightest tingle. I just sit there, barely breathing, waiting for him to assign me to the perfect partner. He's been promising we'd start science labs since the first day of school, but it's been *weeks*. Lots of time for me to decide on the perfect partner.

Mr. Levy has been teaching science at Emerson Junior High for centuries, and he looks like a mad scientist. For real. He has wild, frizzy gray hair and even wears a lab coat every day.

He fluffs his hair and adjusts his thick black glasses. I start rubbing my hands against my legs, which isn't a good sign, but I don't pay attention. Any second he will get to my name.

"Shayla and . . ." Mr. Levy pauses a few seconds, like he is really thinking about it. Like he doesn't already have the list in front of him. "And Bernard," he says.

No. And I mean, *no*. This is the opposite of perfect.

I sneak a peek behind me. Bernard sits in the back, slouching low in his seat. Junior-high desks weren't made for Bernard. He's not kid sized. He's grown-up sized. And grown-up *big*.

He catches me looking at him, and his mouth shifts into a mean grimace. I gulp and look away.

My sister, Hana, would say I'm being just like *those people* who take one look at a Black person and think they need to clutch their purse tight or lock their car doors. I have no problem with Bernard being Black. *Obviously*. I'm Black too. It's him being huge and mean and scary.

Bernard went to the same elementary school as me and my best friends, Isabella and Julia. We're all terrified of him. Everyone I *know* is terrified of him. Even in kindergarten he would scowl at everybody. And he'd yell. A *lot*.

In second grade he yelled at me because I got to the *Star Wars* Legos before he did. He grabbed those storm-troopers right out of my hands, and if you've ever had

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hands, and if you've ever had

someone snatch Legos from you, you know how much it hurts. And he didn't say sorry.

I told him I *needed* the stormtroopers. But Bernard looked at me like he wouldn't have minded squashing me right underneath one of his big shoes.

Bernard was a bully then, and he's a bully now.

Please, oh, please don't let us be doing lab work today.

"Find your partners, everyone!" Mr. Levy claps his hands together. I just bet partnering me with Bernard is some devious experiment: what happens if we mix trouble-hating girl with bully boy?

Kaboom. That's what.

"Shayla!" Bernard hollers.

He sounds mad. I guess he's not happy that we're partners either.

I walk to the back of the room to the lab tables, and my feet feel like they weigh six hundred pounds.

"I got the first slide!" Bernard's voice is like a bunch of bowling balls all being dropped at the same time. The glass in one of his big paws snaps in two.

"Oh," I say. He could probably snap one of my fingers just like that.

Bernard shakes his hand and starts sucking a finger.

I'm sure that is a bad idea. Mr. Levy comes over and sets some new slides next to our microscope. He doesn't even ask Bernard if he's okay.

Bernard doesn't look okay; he looks angry, which is basically saying he looks like Bernard.

"Stop messing around," Mr. Levy tells Bernard.

"I wasn't!" Bernard booms.

Mr. Levy shakes his head and walks away.

After that, Bernard won't even look in the microscope. He shoves the stack of slides at me, like it's *my* fault he broke the first one.

The top slide has a tiny green-brown thing on it, and when I peer through the microscope, I can see it's a bug leg. I think it's from a grasshopper and write some notes about it and try *not* to study Bernard. I don't know if I should say anything to him. I don't want to make him even more mad.

When class is over, he gets up so fast, he knocks his desk to its side, and instead of picking it up, he storms out of the room.

You bet Mr. Levy frowns real hard at that.

I pick up Bernard's desk before leaving class. Maybe since Mr. Levy didn't have to pick it up, no one will get in trouble, but my hands itch anyway.

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